श्री राजीव शुक्ल : क्या कोई मॉनिटरिंग एजेंसी नही बना रहे हैं, जैसे रूरल डेवलपमेंट मे बन रही है?

श्री सुशील कुमार शिन्दे : यह 3 टायर मॉनिटरिंग एजेंसी है। लोकल लेवल, REC और पावर मिनिस्ट्री, तीन जगहो पर मॉनिटरिंग होती है।

प्रो. राम गोपाल यादव : श्रीमन्, मध्य प्रदेश के लिए राजीव गांधी विद्युतीकरण योजना के संबंध में यह सवाल है। मैं माननीय मंत्री जी से सीधे ही यह जानना चाहूंगा कि विद्युतीकरण के जरिए गांवों को इलैक्ट्रिफाई किया जाता है। क्या आपने कोई सर्वे करवाया है कि मध्य प्रदेश के कितने प्रतिशत घरों में बिजली है? गांवों मे बिजली लग जाती है, इलैक्ट्रिफिकेशन हो जाता है, लेकिन एक गांव मे और एक घर में भी बल्ब नही जलता है। हाउस होल्ड परसेंटेज इलैक्ट्रिफाई घरों का कितना है? क्या मध्य प्रदेश मे इसका सर्वे हुआ है? क्या माननीय मंत्री जी यह बताने की कोशिश करेंगे?

श्री सुशील कुमार शिन्दे : सर्वे तो होता ही है। स्टेट की तरफ से DPR आता है कि कितने लोग BPL के हैं और above BPL कितने हैं? कितने घरों में बिजली नही है, उसी से ये डी.पी.आर. मंजूर किए जाते हैं।

प्रो. राम गोपाल यादव : मैं यह जानना चाहता था कि कितने प्रतिशत घरों में बिजली है? क्या मध्य प्रदेश मे आपने सर्वे कराया है? क्या आपने किसी एक जिले का भी करवाया है?

श्री सुशील कुमार शिन्दे : सभापति महोदय, सर्वे का सवाल ही नहीं उठता है। जो रिपोर्ट्स आती हैं, वह उसमें इनबिल्ट है, इसलिए सर्वे का सवाल ही नहीं उठता है। हम सब सैक्शन कर देते हैं। ...**(व्यवधान)**...

श्री सभापति : आप बैठ जाइए।

Illegal mining at Obulapuram in A.P

*123. SHRI M.V. MYSURA REDDY:†
SHRI NANDAMURI HARIKRISHNA:

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether Government has issued a directive to Andhra Pradesh Government to stop mining at Obulapuram mines in that State;

(b) if so, when such order was issued and the details of that order;

(c) whether the Ministry is aware that inspite of its directive, mining activity at Obulapuram is still going on in connivance with the officials and politicians in the State; and

(d) what immediate action the Ministry is proposing to take to stop illegal mining at Obulapuram?

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI JAIRAM RAMESH): (a) to (d) A Statement is laid on the Table of the House.

†The question was actually asked on the floor of the House by Shri M.V. Mysura Reddy.

Statement

(a) to (d) The Federation of Indian Mineral Industries (FIMI) submitted a complaint alleging that large scale illegal mining was being undertaken by M/s Obulapuram Mining Company (P) Limited in violation of the Forest (Conservation) Act, 1980.

2. On receipt of this complaint, the Central Government directed the Chief Conservator of Forests (Central), Southern Regional Office, Bangalore to get the site inspected. The inspection report was examined through the Forest Advisory Committee (FAC) constituted by the Central Government under Section 3 of the Forest Conservation Act, 1980. The FAC noted, as per the inspection report that the mining area was not found to be properly demarcated on ground. Further, the safety zones around the mining areas were also absent. Therefore, the inspection of these areas could not ascertain whether the mining is restricted to the approved area or otherwise.

3. The Committee also considered the views and advice of the Central Empowered Committee (CEC) that it would be appropriate to get the demarcation done through Survey of India and in the meanwhile no mining be allowed.

4. After detailed discussion, the FAC recommended that the prior approvals accorded by the Central Government under the Forest (Conservation) Act, 1980 to the concerned five mines *viz.* Anantpur Mining Corporation, Bellary Iron Ore Private limited, M/s Obulapuram Mining Company Pvt. Ltd. (25.98 ha.), M/s Obulapuram Mining Company Pvt. Ltd (39.5 ha) and M/s Y. Mahabaleshwarappa & Sons be kept in suspension till demarcation is completed by the Survey of India and proper boundaries and Safety Zones are provided to these mines on ground.

5. Accordingly, the Central Government kept the approval conveyed to these mines under suspension *vide* this Ministry's letter dated 22nd April, 2009 with immediate effect till demarcation of these areas including that of safety zones is completed by the Survey of India. However, on the request of the State Government of Andhra Pradesh *vide* letter dated 28.04.09, the said suspension had been kept in abeyance.

6. In response to a petition filed by one of the mine owners in the Supreme Court requesting for fixation of time period for the said survey by the Survey of India, the Central Government is getting the survey completed through Survey of India within six weeks. The Andhra Pradesh Geo-Spatial Data Centre , Survey of India, Hyderabad is conducting survey to demarcate the boundaries of the five involved mines in Anantpur Forest Division in Andhra Pradesh. The State Government has been requested to stop mining operation in these mines during the field survey (in case required by the survey party).

SHRI M.V. MYSURA REDDY: Mr. Chairman, Sir, this issue is a bone of contention between the two States, Andhra Pradesh and Karnataka. On the complaint of the Federation of Indian Mineral Industries, the FAC inspected the area and advised to stop mining in that area. Then the CEC also

recommended to conduct a survey of the disputed area. As this area is full of iron ore, the mine owners are illegally mining that area. This matter relates to five mines. The Government of India has issued orders to conduct a survey and to stop mining at Obulapuram mines. The Central Government has issued directive to the Andhra Pradesh Government in respect of these five mines, the Anantpur Mining Corporation, the Bellary Iron Ore Private Limited, M/s Obulapuram Mining Company Pvt. Ltd. (25.98 ha) M/s Obulapuram Mining Company Pvt. Ltd. (39.5 ha) and M/s Y. Mahabaleshwarappa and Sons, to stop mining and to conduct a survey. But on the request of the State Government of Andhra Pradesh, *vide* letter dated 28.04.09, the said suspension has been kept in abeyance.

MR. CHAIRMAN: What is your supplementary.

SHRI M.V. MYSURA REDDY: I am putting my question. It is a very important issue. It is a dispute between two State Governments. What are the reasons for keeping the suspension in abeyance? I would also like to know what reasons the State Government of Andhra Pradesh has given for this.

MR. CHAIRMAN: Only one supplementary, please.

SHRI M.V. MYSURA REDDY: I am asking only one supplementary.

MR. CHAIRMAN: You have already asked one supplementary.

SHRI M.V. MYSURA REDDY: It is an important issue. I am asking only one supplementary.

MR. CHAIRMAN: Are you asking one supplementary or two supplementaries?

SHRI M.V. MYSURA REDDY: I would like to know about the reasons given by the State Government of Andhra Pradesh. I would also like to know whether they have taken any permission from the CEC and also the FAC.

SHRI S.S. AHLUWALIA: Sir, he gets a chance to put two supplementaries.

MR. CHAIRMAN: But after the first is answered. My point is very simple. There should be one supplementary at a time. Is he asking two at a time?

SHRI M.V. MYSURA REDDY: Sir, I am asking only one supplementary.

MR. CHAIMAN: That is okay.

SHRI JAIRAM RAMESH: Mr. Chairman, Sir, with great respect, I would like to point out that this is not a dispute between two States *per se*. It is a commercial dispute between companies. With the greatest of respect, Sir, I would like to say that if this House is going to discuss commercial disputes between companies, I am afraid, we would not be doing great justice to this House. I will answer this question in its totality. I am not ducking the question. But I would like you, Sir, to please take note of this fact that this is a question that deals with commercial dispute between companies. I think we should be discussing questions of policy and with that preface let me answer this question.

The dispute is going on between people who have got iron ore leases. One side says that the other company has encroached on his lease area. The Government of India has requested for a

survey by the Survey of India to demarcate the mining lease areas and also to ensure that there is a safety zone of 7.5 metres in which plantations are grown in order to deal with problems of pollution. The hon. Member is right that the CEC, the Central Empowered Committee of the Supreme Court, had asked the Government of India to get this survey done by the Survey of India. We have written to the State Government to carry out the survey through the Survey of India. The State Government has taken the position that there is no need for the Survey of India to do the survey because the survey has already been done by the State Forest Department, and all the necessary demarcation work has already been carried out. Subsequently, we have communicated the position of the Government of India to the State Government. We had given an undertaking to the Supreme Court on the 1st of May that we would carry out this survey. I will not be held in contempt of the Supreme Court; the survey will be carried out. We have communicated it to the State Government, The State Government has a different perception. We are in the business of reconciling the two positions. I want to assure the hon. Member that if a survey is required to be done by the Survey of India, it will be carried out.

SHRI M.V. MYSURA REDDY: Sir, *

MR. CHAIRMAN: I am afraid that cannot go on record. Please remain within the accepted norms of behaviour of the House.

SHRI M.V. MYSURA REDDY: I will explain, Sir. On 1st May, the Government of India represented to the Supreme Court that they were doing the survey. Accordingly, the writ petition was disposed of on 1st May. The Ministry kept the original orders in abeyance on 1st May itself. They gave an impression to the Supreme Court that they were taking up this survey, and on 1st itself, they issued orders keeping it in abeyance. The Chief Minister of Karnataka also wrote a letter to the Government of India...

MR. CHAIRMAN: What is your supplementary?

SHRI M.V. MYSURA REDDY: I am putting my supplementary. When the Government itself stated this to the Supreme Court, then, why have they modified the orders? What is the reason for the modification of the first order? Is it not misleading the Supreme Court?

SHRI JAIRAM RAMESH: Sir, on 13th May, on 9th June, on 24th June and on 8th July, on each of these four dates, letters have been written by the Ministry of Environment and Forests to the State Government requesting for State Government's co-operation in carrying out the survey by the Survey of India. We live in a federal system. We cannot impose our views on State Government because the forest belongs to the State Government; the lease is that of the State Government; the law is that of the Central Government, that is, the Forest Conservation Act. We have to work together with the State Government. I am engaged in a process of dialogue with the State Government. Our position is

* Not recorded

that the Survey of India should carry out this survey. We have said in the Supreme Court that it will take six weeks. We are expecting that the survey will be done by the end of this month. The State Government feels that there is no need for another survey by the Survey of India. I want to assure the hon. Member that there is no politics involved here. It is a matter of getting the facts right, whether an additional survey is required or not. Let me assure him that the Karnataka Government is nowhere in the picture. This is a matter purely between the Ministry of Environment and Forests and the Government of Andhra Pradesh.

SHRI M.V. MYSURA REDDY: Mr. Chairman, Sir,...

MR. CHAIRMAN: I am afraid your supplementaries are over. Shri Nandamuri Harikrishna. Not present. Dr. (Shrimati) Najma A. Heptulla.

DR. (SHRIMATI) NAJMA A. HEPTULLA: Sir, I am not getting into the controversy of the corporate war. But the main thing, which I want to bring to the notice of the hon. Minister, is that in today's newspaper, there is a report about balding of our hills and reduction of the forest and. Sir, this is a very serious matter because permits are given to quarries, and various mining activities are going on throughout the country. There is discrepancy in the Report, which is submitted by the Parliamentary Committee to Parliament, and the Survey Report. So, I would like the hon. Minister to look into the matter and see what the situation is, because we are reducing slowly all our forest covers. What is the Government's view as far as the quarries are concerned?

SHRI JAIRAM RAMESH: Sir, balding is a general phenomenon. And it is not confined to forests alone, it is seen among Ministers also! Let me assure the hon. Member that as far as the Forest Survey data is concerned, the latest data that we have from the satellite imagery is for the year 2005. We will soon be publishing the data for 2007. And, according to the Forest Survey Satellite Imagery Data, roughly 21 per cent of our geographical area is under forest cover. Now, this forest cover is of different varieties. We have dense forests, medium-density forests and degraded forests. After the Forest Conservation Act of 1980 was enacted by Parliament, the rate of diversion of forest areas to non-forest areas has come down very significantly. Before 1980, Sir, we lost almost one lakh forty thousand hectares per year and, after the Forest Conservation Act of 1980, the rate of diversion is between 25 to 30 thousand hectares per year. We are committed to implementing the Forest Conservation Act of 1980 in letter and spirit. I take note of the newspaper item today and I would be responding to the hon. Member separately, Sir.

श्रीमती विप्लव ठाकुर : सर, मैं माननीय मंत्री जी से यह जानना चाहती हूं कि जिस तरह हिमाचल प्रदेश है अथवा अन्य हिली एरियाज हैं, जहां पर सीमेंट फैक्टरीज़ बहुत आ रही हैं, क्या यह माइनिंग मिनिस्ट्री के साथ मिल कर ऐसी कोई पॉलिसी बनाएंगे जिससे कि फॉरेस्ट कंजर्वेशन के अंडर उनको माइनिंग के लिए एफॉरेस्टेशन करना जरूरी हो? जिस तरह इन्होंने हाइड्रो प्रोजेक्ट के लिए कैच एरिया रखा हुआ है, क्या उसके लिए भी वह इस तरह की कोई पॉलिसी बनाएंगे?

SHRI JAIRAM RAMESH: Sir, there is already a policy laid down today, after the Godavarman

judgment of the Supreme Court, that any project, whether it is a public sector project or a private sector project, which diverts forest area for non-forest purposes, has to carry out compensatory afforestation. For the last six-seven years, there has been some problem in getting this compensatory afforestation programme going. I am pleased to inform the hon. Members that on Friday we had a breakthrough in the Supreme Court. I am waiting for the official orders of the Supreme Court which will be delivered to me today and subsequently, tomorrow or the day after, if the Chair approves, Sir, I can lay a statement on the Table of the House. About Rs. 1000 crores is lying in Banks waiting to be used for compensatory afforestation by people like the mine owners who have opened mines in Himachal Pradesh, and it is my expectation that in the next two months, this activity of compensatory afforestation will be started by the State Governments.

श्री के.बी. शणप्पा : सर, माननीय मंत्री जी ने बहुत डिटेल्ड आंसर दिया है और उनका इंटेशन भी अच्छा है, लेकिन मैं आपसे यह पूछना चाहता हूं कि यह जो चीज है इसके कारण कर्नाटक में तकरीबन एक या डेढ़ साल तक हल्ला गुल्ला चला है। The mining business has been going on for the last many years. मैं यह पूछना चाहता हूं कि ऐसी कितनी माइनिंग कंपनीज़ हैं जिन्होंने एन्क्रोच किया है? Now, particularly talking about Obulapura, is there any request from the Andhra Pradesh Government to the Central Government, to your department, whether the Andhra forest has been encroached upon by so and so company. It is only after that that we shall have a committee and the enquiries. I would like to know from the hon. Minister whether there is also any Lokayukta report on this illegal mining.

SHRI JAIRAM RAMESH: Sir, the hon. Member is confusing Andhra Pradesh and Karnataka. There is a Lokayukta Report in Karnataka on illegal mining in the Bellary area which is not the subject matter of this question. I would be glad to answer questions on the Karnataka Lokayukta's report which covers the period from 2000 to 2006. That is a separate issue. As far as the Andhra issue is concerned, which is the subject of this question, the Ministry of Environment and Forests had entered the picture only in September, 2008. We received a complaint in September, 2008, on the 17th of September to be precise, but the Forest Conservation Act. ...*(Interruptions)*...

एक माननीय सदस्य : इससे पहले आप क्या कर रहे थे?

MR. CHAIRMAN: Please do not interject. ...*(Interruptions)*... No, I am afraid... *(Interruptions)* Please resume your seats. ...*(Interruptions)*... No, no. Please sit down.

SHRI JAIRAM RAMESH: Sir, I can only go by the records that are available to me. I have scanned each and every paper. September 17th, 2008 is the first time the Ministry of Environment and Forests received a complaint from one of the aggrieved parties that the other party is violating the Forest Conservation Act. And all that I have recounted to you today is in pursuance of the complaint that we have received in September, 2008.

MR. CHAIRMAN: Now, Question No. 124. ...*(Interruptions)*...

SHRI M.V. MYSURA REDDY: Sir, what about a Short Duration Discussion on this subject? ...*(Interruptions)*...

MR. CHAIRMAN: No, I am afraid, this question is over.

Joint matrimonial property rights

*124. SHRIMATI BRINDA KARAT: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether a law for joint matrimonial property rights has been formulated; and

(b) if not, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): (a) No, Sir.

(b) At present, the joint matrimonial property rights are governed by respective personal laws. Provisions for settlement and disposal of joint matrimonial properties at the time of divorce have already been made in respective personal laws and in some cases, it is governed by customs and usages.

SHRIMATI BRINDA KARAT: Sir, I heard with great respect your comment to our colleague, Mysura Reddy when he said that the Minister is misleading the House, you said that you are going to strike it off the record. So, I am not going to make the same mistake of saying the Minister is misleading the House in this reply. But, certainly, Sir, I regret that the answer that he has given is certainly misleading the House. Because what he has said is. ...*(Interruptions)*...

MR. CHAIRMAN: What is your supplementary?

SHRIMATI BRINDA KARAT: Sir, I am just putting it. Sir, he has said in his answer 'joint matrimonial property rights are governed by respective personal laws'. In fact, Sir, India is one of the few countries which does not recognises joint matrimonial property rights. No personal law in India recognises the concept of joint matrimonial property rights, which is property acquired by either of the spouses or both the spouses together during the period of the subsistence of the marriage. Therefore, even 62 years after Independence, Indian women are denied this right under the community property regime. Therefore, since the very concept of joint matrimonial property does not find any place whatsoever in any personal law or in any secular law, except, Sir, in the State of Goa, where indirectly it is recognised, I want to ask the Minister whether he would kindly consider this demand which has been made by all national women's organisations for Indian women to have a right to that law.

SHRI M. VEERAPPA MOILY: Mr. Chairman, Sir, I do agree that this is a very serious matter which has to be looked into. As you know very well, many of our laws, whether pre-independent enacted laws or thereafter, we find many a time they are all gender biased. There is a need to re-look all these things. But, I don't think I have misled you with the reply, but I have stated the position as on today. That does not mean that does not need to be re-examined. I can give the example of the Act No. 39 of 2005, which was passed by both the Houses, whereby the Land Reforms Act of Delhi, which says that the married girl child is not entitled whereas the brother can be entitled, brother's